

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

PAUL C. BOLIN

Petitioner,

vs.

KEVIN CHAPPELL, as Acting Warden of San  
Quentin State Prison,

Respondent.

) Case No. 1:99-cv-5279-LJO

) DEATH PENALTY CASE

) ORDER RE: BRIEFING MOTION FOR  
) RECONSIDERATION OF ORDER  
) GRANTING LIMITED EVIDENTIARY  
) HEARING AND EXPANDING SCOPE  
) OF HEARING TO INCLUDE CASE  
) MANAGEMENT CONFERENCE FOR  
) PHASE IV

DATE: August 9, 2012  
NEW TIME: 8:00 A.M.  
TELEPHONIC

On April 27, 2012, the Court ordered a limited evidentiary hearing on Claim C2 presented by Petitioner Paul C. Bolin ("Bolin") in his Petition. Respondent Kevin Chappell, as Acting Warden of San Quentin State Prison (the "Warden"), filed a motion for reconsideration of that order on July 12, 2012. Bolin's opposition to the reconsideration motion is due July 26, 2012, and the hearing is set for the date set forth above.

Following the Court's review of the reconsideration motion, the issue of Bolin's diligence under 28 U.S.C. § 2254(e)(2) regarding the offer of proof from his trial attorneys, Charles Soria and William Cater, is of particular interest. Among other issues, Bolin is directed to address the matter of diligence in his opposition brief.

The Court also has reviewed the parties' joint statement regarding preparation for the evidentiary hearing. As set forth in the Court's Attorney Guide (found at [www.caed.uscourts.gov](http://www.caed.uscourts.gov) under Fresno/Attorney Info/ Forms/ CJA), Phase IV of capital habeas litigation commences once the

1 Court has made a ruling on the petitioner's request for an evidentiary hearing. The Court's April 27,  
2 2012 ruling ordering a limited evidentiary hearing on Bolin's Claim C2 has brought the case into  
3 Phase IV. It is customary for the Court to conduct a case management conference at the beginning  
4 of each new litigation phase, although no case management conference had been set in the present  
5 action.

6 Because there are several matters in dispute which will affect case management in general  
7 and Bolin's proposed Phase IV budget in particular, the Court finds good cause to conduct a case  
8 management conference following the hearing on the reconsideration motion. The hearing time is  
9 therefore advanced to 8:00 a.m. with participation by all counsel anticipated. The hearing and  
10 conference will be conducted telephonically, with the Warden directed to arrange and initiate the  
11 conference call to the Court at (559) 499-5685. Both of Bolin's appointed attorneys shall be  
12 included in the call.

13 Among the issues the Court will consider at the case management conference are: the  
14 progress of the parties' discussion about stipulating to admission of the juror questionnaire  
15 responses, an overview of the parties' respective views on conducting pre-hearing depositions, and  
16 whether the currently agreed-upon time frame for conducting the evidentiary hearing in March of  
17 2013 can be maintained in light of an anticipated change of counsel for Bolin.

18 The parties further are advised that there will be no further orders granting evidentiary  
19 development prior to the evidentiary hearing on Claim C2.

20  
21 IT IS SO ORDERED.

22  
23 DATE: July 20, 2012

/s/ Lawrence J. O'Neill  
Lawrence J. O'Neill  
United States District Judge